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Action

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Subject: Contingency Planning.

Re draft public statement to be made if and when Soviet Government announces imminent turning over of check points to GDR, we are somewhat troubled by passage beginning "in its notes of November 27, 1958" and ending "agreements concluded by the four powers" on pages two and three.

Soviets have not recently repeated allegations in November 27 notes that Berlin agreements null and void on ground Western allies had violated Potsdam agreement. Khrushchev and more recently Gromyko have admitted that Western allies have certain occupation and access rights re Berlin. They go on to argue, incorrectly of course, that these rights require changes because of changed conditions. They also assert that if Western allies refuse to consent to such changes Soviet Union will enter into "peace treaty" with GDR which Soviets assert, again incorrectly, will have effect of abrogating occupation and access rights.

In view of this suggest following language be considered as substitute for inclusion draft public statement: "Soviet officials have from time to time made assertions to the effect that if and when the Soviet Union unilaterally enters into a so-called 'peace treaty' with the so-called GDR, German authorities of the Soviet zone may thereafter exercise control over allied movements without regard for the above mentioned allied rights or for the agreements concluded by the four powers."

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